



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 14, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

Acting Chair McKillop requested five minutes to read revisions that were distributed prior to the meeting. The regular meeting of the Hayward Planning Commission was called to order at 7:36 p.m., by Acting Chair McKillop followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Sacks, Bogue, Peixoto, Zermeño
CHAIRPERSON: Acting Chair McKillop
Absent: COMMISSIONER: Thnay

Staff Members Present: Bauman, Conneely, Patenaude, Lens

General Public Present: Approximately 38

PUBLIC COMMENTS

There were no public comments.

Acting Chair McKillop informed the audience that items 2 and 3 were postponed until later Planning Commission meetings.

PUBLIC HEARINGS

1. Zone Change Application No. PL-2005-0223 - Vic de Melo, Browman Development Company, Inc. (Applicant) / City of Hayward (Owner) – Request to Change the Zoning to Planned Development District in Order to Raze Service Station Structures, a Motel, and a Former Cinema Structure and to Construct a Retail Center Consisting of a Regional Retail Building (Target) with an Attached Junior Anchor Store, Three Detached Retail Buildings, and to Retain an Existing Restaurant (Carrow's) on Approximately 13 Acres – The Project is Located on Hesperian Boulevard Between West A Street and Golf Course Road

Staff report submitted by Associate Planner Torrey, dated July 14, 2005, was filed.

Principal Planner Patenaude presented the report. Principal Planner Patenaude indicated that staff proposed to add a condition to prohibit sale of alcohol at the proposed Target and also stated that the applicant is in concurrence with this condition. He also mentioned revisions to two conditions. In reference to Condition No.19, it was changed to read, "An arborist's report by a certified arborist with a map locating all of the existing trees and showing the location of the trees that are suitable for relocation shall be prepared. These trees shall be relocated to the new parking lot. As an alternative, new trees of the same stature, in a number equal to those removed, may be planted in the new parking lot". In reference to Condition No. 63, the revision included, "...users of Golf

Course Road. Developer and Target Stores will have the opportunity to provide engineering analysis to the City regarding any appropriate mitigation measures. If the city determines impacts are significant, the driveway..."

In response to Commissioner Lavelle's concern about the interaction between City staff and Hayward Area Recreation District (HARD) staff regarding this proposal, Principal Planner Patenaude responded that the two agencies have discussed the parking issue related to Kennedy Park.

Responding to Commissioner Lavelle's comment about the closing of the Target store at Hesperian and Lewelling, Principal Planner Patenaude stated that staff understands that they will not be able to renew their lease.

Commissioner Zermeno thanked Principal Planner Patenaude for the report. He asked for clarification of the existing zoning of the proposed project and also inquired about the funding for the demolition of the theater. Deputy Director of Public Works Bauman responded that the money is in the Capital Improvement Budget and the theater will be demolished after the Zucchini Festival event.

Acting Chair McKillop opened the public hearing at 8:03 p.m.

Mr. Vic de Melo, Director of Development of Browman Development, thanked the Commissioners for the opportunity to address them and staff for working with him. Mr. De Melo stated his concurrence with the conditions of approval and his receptiveness to the revisions. He stated that the project will bring 400 to 500 new jobs to the City and will add approximately \$50 million of sales annually which would result in approximately half million dollars in revenue back to the City. Finally, he stated that the addition of 17 parking stalls on their property would be a compromise for HARD.

Commissioner Bogue asked the applicant if he plans to sell the property after completion. Mr. Vic de Melo responded that he does not plan to sell that portion of the project. In regards to the three trash facilities in the parking lot area, Commissioner Bogue and Mr. De Melo discussed trash facilities. Staff commented that detailed trash facilities would be required with the Precise Plan.

In response to Commission Sacks' inquiry about the prospective owner of the Junior Anchor Store, applicant De Melo stated that Browman Development will eventually own the store. There was discussion regarding the potential Junior Anchor Store tenant.

In response to Commissioner Lavelle's concern, Mr. De Melo mentioned the plan to raze the hotel was critical for redeveloping the property and maintaining uniformity and that Carrows has a long term lease. Additionally, Mr. De Melo, at request of Commissioner Lavelle, clarified that the project will bring fewer than 400 net new jobs because of crossover from the other store.

Ms. Samantha L Bloodhart, President of the Skywest Townhomes Homeowners Association, expressed concern with the Golf Course Road entrance for Target. Ms. Bloodhart mentioned that the center will have four entrances, whereas the townhomes have only one. Ms. Bloodhart mentioned concern for traffic due to Kennedy Park's use and the diagonal spaces on Golf Course



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Road. She requested that the Commissioners further examine the traffic before approving the Golf Course entrance. She mentioned that the homeowners are supportive of the development. She also noted concern for the safety of pedestrians in the area. Deputy Director of Public Works Bauman noted that there would only be one new traffic signal at West A Street and Skywest Drive.

Ms. Mary Clements, Skywest homeowner resident and Board of Director's Member, expressed concern for the security of the residents and the potential increase of people wandering around. She also expressed support for the prohibition of the sale of alcohol. Lastly, she stated that they do not have enough police protection and surveillance from the City and requested to have more security measures in the form of a gate or additional security patrol.

Mr. Louis Andrade, Hayward Area Recreation District Board Member, mentioned that the initial study does not address the park issue. He requested that the Commissioners not take action or postpone action, and to review the plans and find a favorable solution. He stated that the City and HARD have had consultations regarding this project since June 24.

Mr. Alan Franke, Skywest Townhouse Board Member, expressed that he would like to see his complex enhanced by the project and also added concern about adequate parking at Kennedy Park on weekends.

Mr. Howard Beckman, San Lorenzo Village resident, addressed his concerns which were submitted to the Commissioners prior to the meeting.

Mr. Larry Lepore, Superintendent of HARD, mentioned the good relationship with the City. He added that in working with staff some mitigation measures have been addressed in regards to parking, but there is still concern. He also stated traffic concern in the area and along Golf Course Road. Mr. Lepore mentioned that even though there was discussion with City staff regarding parking and traffic measures, he believes that HARD staff can benefit from further interaction regarding the issues raised.

Mr. Brian Stanke spoke in favor of the proposed Target. He suggested parking on top of the store as an alternative for additional parking and allowing space for residential development along Kennedy Park as a buffer between Target and Kennedy Park.

Mr. Darryl Browman, representing Browman Development, answered questions from the Commissioners and addressed concerns expressed by Skywest homeowners. He also mentioned that timing is critical in order to open the proposed project in a timely basis after the closure of the Target at Hesperian and Lewelling. He respectfully asked for a decision tonight.

Acting Chair McKillop closed the public hearing at 9:01 p.m.

In regards to Commissioner Zermefio and the parking situation at the former cinema, Deputy Director of Public Works Bauman responded that when the cinema was in operation there was enough parking.

In response to Commissioner questions, Principal Planner Patenaude stated that there will be another opportunity for public input at the July 26 Council meeting. Commissioner Peixoto spoke on the letter submitted by Mr. Amoroso from the Alameda County Community Development Agency requesting an extension to evaluate the project. Principal Planner Patenaude commented that the two agencies are looking for long term solutions. He also stated that the project does not impact the park and that staff will look at the different issues raised and will respond accordingly.

City Manager Armas joined in the discussion. He stated that, from previous experience, Browman Development is very attentive to neighbors' voice and to working with public agencies. He noted that it is essential that the project move forward. Additionally, he stated that the City and HARD have a good relationship and emphasized that both jurisdictions can work together in finding a long term solution for the well being of everyone.

Commissioner Sacks moved the proposed project as recommended by staff and included revised conditions Nos. 19 and 63 and the added condition of no sale of alcohol. She thanked City Manager Armas for joining in and for the sentiment that the two agencies work together.

Commissioner Bogue seconded the motion.

Commissioner Zermefio supported the motion and stated that the objections were minor and were addressed. He thanked staff for the report.

Commissioner Bogue offered a friendly amendment to add the wording, "during park hours" to Condition No. 58. He also recommended that staff reconsider the proposed diagonal parking spaces on Golf Course Road for public safety. Commissioner Sacks accepted the amendment.

Commissioner Lavelle expressed happiness with the project; however, she mentioned that she strongly supports the existing planned development district for entertainment, lodging, and related services. She mentioned that Hayward is lacking entertainment venues. She also noted that there are ten Target stores within 20 to 25 miles radius of Hayward. She mentioned that she shops at Target stores and is happy with the service but believes that there is no benefit to add another store to the community. Additionally, she would like to see diversity of retail. Lastly, she mentioned that she is not satisfied with the issue of traffic at the intersection of West A and Hesperian. She did not support the motion.

Commissioner Peixoto expressed that he was enthusiastic about the project, but after the discussion and the ANG newspaper article, he became concerned. He stated that it is good public policy to involve major stakeholders in important decisions. He supported the project but stated concern for miscommunication between the agencies. Lastly, he expressed that during the interim period he would like staff to conduct discussions with the stakeholders regarding the issues raised at the meeting.



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Commissioner McKillop expressed her concurrence with Commissioner Peixoto and appreciated the good response from the community and apologized for those that were inconvenienced with the time frame for this project. She supported the motion.

Commissioner Sacks moved, seconded by Commissioner Bogue, and approved with Chair Thnay absent to recommend that City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, approve the Zone Change Application and Preliminary Development Plan subject to the findings and conditions of approval including revisions to Conditions 19, 58 & 63, and add a condition to prohibit sale of alcohol at Target, and recommend that staff reconsider the proposed parking diagonal spaces on Golf Course Road.

AYES: COMMISSIONERS Sacks, Bogue, Peixoto, Zermefio
Acting CHAIR McKillop
NOES: COMMISSIONER Lavelle
ABSENT: CHAIR Thnay
ABSTAIN: COMMISSIONER None

2. Zone Change No. PL-2005-0062 & Tentative Tract Map 7608 / PL-2005-0063 Jamal Rabbani (Applicant/Owner) – Request to Change the Zoning From a Single-Family Residential District to Planned Development District and Subdivide a 0.7 Acre Parcel into 7 Parcels and Construct 6 Homes – The Project is Located at 2448 Kelly Street
(Continued to July 28, 2005)

3. Text Amendment Application No. PL-2004-0632 – Joseph Bradford for The Olson Company (Applicant) – Request to Amend the Parking Ordinance to Allow Tandem Parking for Multi-Family Residences Citywide
(Continued to September 8, 2005)

ADDITIONAL MATTERS

4. Oral Reports on Planning and Zoning Matters
Principal Planner Patenaude reported on two items that went from Planning Commission to City Council. The Pay Day Loan Use Permit, called by Council Member Henson, was upheld for approval but it was required that conditions be met prior to the start of the business and required wood fence along the property line. In regards to the variance for parking on Highland, Principal Planner Patenaude stated that it will go back to Council on June 26.

Commissioner Peixoto thanked staff for taking action on the property between B and Second Street.

5. Commissioners' Announcements, Referrals
Commissioner Bogue reminded everyone about the Street Party on July 21, August 18, and September 15.

APPROVAL OF MINUTES

There were no minutes to approve.

ADJOURNMENT

Acting Chair McKillop adjourned the meeting at 9:32 p.m.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary